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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,235	02/06/2002	Richard P. Fisher	WHB-31573	7702
22202	7590	03/02/2004	EXAMINER	
WHYTE HIRSCHBOECK DUDEK S C			FEGGINS, KRISTAL J	
555 EAST WELLS STREET			ART UNIT	
SUITE 1900			PAPER NUMBER	
MILWAUKEE, WI 53202			2861	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/068,235	Applicant(s) FISHER ET AL.	
	Examiner K. Feggins	Art Unit 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) 1-13 and 20-28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 14 and 15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/8/03 & 5/15/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II in Paper entitled Response to Restriction Requirement which was filed on 10/30/2003 is acknowledged.

This application contains claims 1-13, 20-28 drawn to an invention nonelected without traverse. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Crocker (US 5,322,380).

Crocker disclose the following claimed limitations:

* regarding claim 15, a method of printing to a label media based on a position of the label media (Abstract),

* positioning the media in an initial position (col 4, lines 23-68);

* moving the media from the initial position (col 4, lines 23-68);

* tracking the movement of the media using an encoder by rotating an encoder shaft as the media moves thereover and monitoring the rotation of the encoder shaft with the encoder (col2, lines 65-68, col 3, lines 1-5, 58-68, col 4, lines1-63);

* sending an interrupt signal to a controller when the rotation of the encoder shaft interrupts encoder optical reflections (col 3, lines 58-68, col 4, lines 1-63, col 6, lines 11-31).

* controlling, with a controller/microprocessor/ programmed to receive the interrupt signal from the encoder, printhead printing by generating a print signal to be sent to the printhead based on the interrupt signal (col 4, lines 23-68, col 6, lines 11-31);

* printing to the label media using a printhead based on the tracking of the movement of the media (col 4, lines 23-68, col 6, lines 11-31).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crocker (US 5,322,380) in view of Thorner et al. (US 6,422,941 B1).

Crocker discloses the following claimed limitations:

* regarding claim 14, a encoder-based method of controlling printhead firing in a label printer (Abstract/

* programming a controller to receive an interrupt signal from a position feedback encoder/pulses transmitted to the microprocessor/

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* generating a print signal to be sent to the printhead based on the interrupt signal/disabled jet signal represented by 0/, thereby controlling printhead firing in the label printer (col 6, lines 11-31).

Crocker does not disclose the following claimed limitations:

* rotary-to-digital encoder

Thorner et al. disclose the following claimed limitation:

* rotary-to-digital encoder (col 29, lines 50-54) for the purpose of adjusting individual variables of a printer.

It would have been obvious at the time of the invention was made to a person having ordinary skill in the art to utilize rotary-to-digital encoder, as taught by Thorner et al. into Crocker for the purpose of adjusting individual variable of a printer

Allowable Subject Matter

6. Claims 16-19 are allowed.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Moore et al. (US 6639581 B1) discloses an rotary-to digital encoder that can be coupled to varies devices. Kato et al. (US 6631495) disclose Electronic document identification, filing, and retrieval system. Wiklof et al. (US 6015241) disclose a printer feedback control and event library to compensate for and predict variable payout forces. Rosenberg (US 6,636,161 B2) disclose an isometric haptic feedback interface coupled to a host computer.

Communication With The USPTO

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to K. Feggins whose telephone number is 571-272-2254. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


K. Feggins
February 19, 2004